

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 31 2008

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte ERIC T. LAMBERT, JOHN S. MARESCA  
AND MICHAEL J. WHITNEY

MAILED  
JAN 31 2008

U.S. PATENT AND TRADEMARK OFFICE  
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Application No. 09/751,585

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 16, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below:

On page 4 of the examiner's answer, the examiner incorporated a prior Office action mailed on March 30, 2004 into the examiner's answer. MPEP § 1207.02 states in part:

... An examiner's answer should not refer, either directly or indirectly, to any prior Office action without fully restating the point relied on in the answer...

Accordingly, it is


**ORDERED** that the application is returned to the Examiner:

1) vacate the Examiner's Answer mailed June 6, 2007, and issue a revised Examiner's Answer having the appropriate headings under the new rules effective September 13, 2004;

2) to provide a complete statement in the grounds of rejection; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
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By:   
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PJN/dal

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